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October 27, 2009

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By Electronic Filing

The Honorable David Folsom
United States District Court
for the Eastern District of Texas
Federal Building
500 North Stateline, 3rd Floor
Texarkana, TX 75501

Re: *TiVo, Inc. v. EchoStar, et al.* Case No. 2-04CV-01

Your Honor:

While the Court's injunction is stayed pending appeal, EchoStar wishes to inform the Court that it continues to develop and test potential design-around options in an engineering environment and, as part of its standard development process, plans to download one of the design-around options to approximately 125 subscribers in the next few days for "beta" testing.

Sincerely,

s/Rachel Krevans

cc: Counsel of Record
(Via Electronic Filing)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 27, 2009, all counsel of record who are deemed to have consented to electronic service are being served with a copy of the letter dated October 27, 2009 to The Honorable David Folsom from Rachel Krevans via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ *Rachel Krevans*
Rachel Krevans